



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Petkovich *et al.*
Serial No.: 09/668,482
Filing Date: September 25, 2000
ALLOWED: June 30, 2004
Title: Retinoid Metabolizing Protein
Art Unit: 1652
Examiner: Elizabeth Slobodyansky, Ph.D.
Atty's Docket No.: 32391-2005

OFFICE OF PETITIONS

Director of the United States Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450

PETITION UNDER 37 C.F.R. § 1.84(b)(2)

Dear Sir:

We hereby petition under 37 C.F.R. § 1.84(b)(2) for accepting the color photograph, Figure 3(b), submitted in connection with prior application 08/724,466, in this application.

The experimental procedure by which the subject matter illustrated in Figure 3(b) is obtained allows for the localization of gene expression by means of colorimetric differentiation. Since the tissue samples processed contain multiple colors and it is the purple stained cells that are highlighted, it is not possible to convert the image to gray scale with retention of the ability to differentiate the stained areas from the natural pigmented tissues. Applicants thus believe color photographs are necessary.

Also enclosed are (i) three sets of color photographs, (ii) a black and white photocopy of the color photograph, (iii) an amendment to the specification, and (iv) a Fee Transmittal form authorizing payment of the fee required under § 1.17(h).

Any telephone call regarding this submission should be made to the undersigned at (416) 865-8121.

Yours very truly,

John C. Hunt
Registration No. 36,424

September 30, 2004
Date

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Torys LLP (Customer No. 33,721)
Suite 3000
79 Wellington Street West
Box 270, TD Centre
Toronto, Ontario M5L 1A9
Canada